

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD SCHROEDER,

Plaintiff,

Case No.: 2:20-cv-01066-WED

v.

CITY OF MUSKEGO,

Defendant.

CITY OF MUSKEGO'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, City of Muskego, by its attorneys, Crivello Carlson, S.C., submit the following Answer to Plaintiff's Complaint as follows:

Nature of the Case

1. Answering paragraph 1, the City admits that plaintiff attached "Exhibit A" but denies plaintiff's allegations regarding this Exhibit. As further answer, this answering defendant affirmatively alleges that the remaining content of paragraph 1 fails to set forth allegations of fact and therefore no responsive pleading is required. To the extent said remaining content of paragraph 1 includes an allegation of fact, the City denies.

2. Answering paragraph 2 and its subparagraphs, the City lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies the same. As further answer, the City denies that plaintiff's allegations are entirely accurate or complete and, therefore, denies the same.

3. Answering paragraph 3, the City lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies the same. As further answer,

affirmatively allege that the plaintiff's rights were not violated or infringed upon by this answering defendant and, therefore, denies all allegations of constitutional violations

Jurisdiction and Venue

4. Answering paragraph 4, admit that the Court has jurisdiction over constitutional claims but denies plaintiff's rights were violated or infringed upon by the City.

5. Answering paragraph 5, this answering defendant admits.

The Parties

6. Answering paragraph 6, this answering defendant admits that the City of Muskego is a municipal corporation located in Waukesha County. As further answer, denies that plaintiff's allegations are entirely accurate or complete and, therefore, denies the same.

7. Answering paragraph 7, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

Facts Relevant to the Plaintiff

8. Answering paragraph 8, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

9. Answering paragraph 9, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

10. Answering paragraph 10, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

11. Answering paragraph 11, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

12. Answering paragraph 12, this answering defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

As further answer, this answering defendant denies that plaintiff's allegations are entirely accurate or complete and, therefore, denies the same.

COUNT I
FOURTEENTH AMENDMENT
SUBSTANTIVE DUE PROCESS

13. Answering paragraph 13, this answering defendant repeats, realleges and incorporates herein by reference all allegations, averments, denials and affirmative defenses contained within the text of this responsive pleading.

14. Answering paragraph 14, this paragraph fails to set forth allegations of fact and asserts claimed conclusions of law to which no responsive pleading is required. To the extent said paragraph contains allegations of fact, this answering defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

15. Answering paragraph 15, denies that the plaintiff's allegations are entirely accurate or complete and therefore, denies the same.

16. Answering paragraph 16 and its subparagraphs, this answering defendant denies.

17. Answering paragraph 17, this answering defendant denies.

Answering the WHEREFORE clause and its subparagraphs, this answering defendant denies all allegations of constitutional violations or that the plaintiff is entitled to any recovery. As further answer, the City lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

COUNT II
FOURTEENTH AMENDMENT
EQUAL PROTECTION CLAUSE

18. Answering paragraph 18, this answering defendant repeats, realleges and incorporates herein by reference all allegations, averments, denials and affirmative defenses contained within the text of this responsive pleading.

19. Answering paragraph 19, this answering defendant denies.

Answering the WHEREFORE clause and its subparagraphs, this answering defendant denies all allegations of constitutional violations or that the plaintiff is entitled to any recovery. As further answer, the City lacks knowledge or information sufficient to form a belief as to the truth of the allegations asserted and, therefore, denies the same.

AFFIRMATIVE DEFENSES

As and for affirmative defenses to plaintiff's Complaint, Defendant submits the following:

- a. the injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by the acts or omissions of the plaintiff and his failure to mitigate;
- b. the injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by the acts or omissions of persons other than this answering defendant;
- c. the Complaint contains claims which fail to state a claim upon which relief may be granted as against this answering defendant;
- d. plaintiff failed to state a claim for and are not legally entitled to compensatory damages, or attorneys' fees and costs;
- e. plaintiff may lack standing, or some of his claims may be moot and the lack of standing or mootness may deprive the Court of jurisdiction;
- f. plaintiff may not be entitled to equitable or declaratory relief because there is no substantial or immediate irreparable injury or a justifiable controversy; and
- g. this defendant reserves the right to amend this answer to assert additional defenses as discovery proceeds.

WHEREFORE, the defendant respectfully requests the following relief:

1. for a dismissal of plaintiff's Complaint upon its merits and with prejudice;
2. for the costs and disbursements of this action;
3. for reasonable actual attorneys' fees pursuant to 42 U.S.C. § 1988; and
4. for such other relief as this Court deems just and equitable.

THE DEFENDANT HEREBY DEMANDS A JURY TRIAL

Dated this 11th day of September, 2020.

BY: s/Amy J. Doyle
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